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D O C S R E G I S T R YFILE Legal

3 June 1965

MEMORANDUM FOR: Director of Personnel

SUBJECT: 1 H.R. 6277 - A Bill to Amend the Foreign Service Act of 1946

1. On 3 June 1965 the following individuals met to discuss H.R. 6277, a pending bill that would amend the Foreign Service Act of 1946:

<u>Office</u>	<u>Member</u>	
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2. A primary purpose of the meeting was to help [ ] prepare a "blind" memo for State (which OGC will give to Mr. Crockett) conveying some of our views on H.R. 6277. In addition, it was felt that the meeting would provide a useful forum for discussing how the bill, if passed, will affect CIA and what action we should take to accommodate to it.

3. The group agreed that the memo for State should reflect our desire to:

- a. insert in Section 26 of the pending bill a provision making the proposed change in the Annual and Sick Leave Act retroactive to 1 January 1965. This change provides that "no leave should be charged to the account of any officer or employee for absence, not to exceed six months, due to an injury or illness incurred while serving abroad and resulting from hostile activity or clearly caused by the fact that the officer or employee was located abroad." ( [ ] is aware that Dr. Tietjen is preparing some material to support our desire for a retroactive date in this section.)
- b. preserve Section 522 as now worded so that "the Secretary of State may on the basis of merit and fitness appoint citizens of the United States as Reserve officers without time limitations . . ." When this provision was considered by the Hays subcommittee 19 May, two subcommittee members expressed the view that some standard of admission to FGR status should be provided including some kind of test. Such a test would obviously work to the disadvantage of CIA.

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Downgrading and  
Declassification

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## SUBCOMMITTEE PRINT

APRIL 8, 1965

SHOWING CHANGES SUGGESTED BY THE EXECUTIVE BRANCH  
Matter proposed to be deleted is shown in ~~metype~~. New matter is  
shown in *italic*.

89TH CONGRESS  
1ST SESSION

~~H. R. 5277~~

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 1965

Mr. HAYS introduced the following bill; which was referred to the Committee on Foreign Affairs

[Omit the part struck through and insert the part printed in italic]

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## A BILL

To amend the Foreign Service Act of 1946, as amended, and  
for other purposes.

- 1       *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
- 2       That this Act may be cited as the "Foreign Service Act
- 3       Amendments of 1965".

- 5       SEC. 2. Section 111 (1) of the Foreign Service Act of
- 6       1946, as amended, is amended by inserting "at home and"
- 7       immediately after "to serve".

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1 SEC. 3. Section 401 (3) of such Act is amended to read  
2 as follows:

3       “(3) Foreign Affairs officers, who shall be appointed  
4 under section 522(a); Foreign Service Reserve officers, who  
5 shall be appointed or assigned under section 522 (b);”.

6 SEC. 4. Section 415 (b) of such Act is amended by  
7 striking out all that follows “by this section,” and inserting  
8 in lieu thereof “and he may, as appropriate, establish rates  
9 for wage board positions.”.

10 SEC. 5. Section 421 of such Act is amended—

11       (1) by striking out “any Foreign Service officer”  
12 and inserting in lieu thereof “any officer of the Service”,  
13 and

14       (2) by striking out “as Foreign Service officer”  
15 and inserting in lieu thereof “as an officer of the  
16 Service”.

17 SEC. 6. Section 441 of such Act is amended—

18       (1) by striking out “(a)”;

19       (2) by striking out “at posts abroad”; and

20       (3) by striking out paragraph (b).

21 SEC. 7. Immediately preceding section 444 of such Act  
22 add the following new section:

23       “SEC. 443. The Secretary may establish rates of salary  
24 differential, not exceeding 15 per centum of basic salary,  
25 for officers or employees of the Service while they are

1 forming duties abroad requiring frequent travel under an-  
2 usually hazardous conditions into hardship areas."

3 SEC. 8. (a) Section 516 (b) of such Act is amended by  
4 inserting "or 6" immediately after "class 7".

5 (b) Section 517 of such Act is amended—

6 (1) by striking out "four years" and inserting in  
7 lieu thereof "three years"; and

8 (2) by striking out in the first sentence all that fol-  
9 lows "if he has" and inserting in lieu thereof "so served  
10 one year, he shall be eligible for appointment to class  
11 6 or 7".

12 SEC. 9. Section 522 of such Act is amended to read as  
13 follows:

14 "SEC. 522. (a) The Secretary may on the basis of merit  
15 and fitness appoint citizens of the United States as Reserve  
16 officers without time limitation, for temporary or limited  
17 service, or for such other periods of service as he may deem  
18 necessary, and may establish appropriate probationary  
19 periods for such newly appointed officers. Under such regu-  
20 lations as the President may prescribe, persons who are  
21 citizens of the United States may, on the basis of merit and  
22 fitness, be appointed as Foreign Affairs officers without time  
23 limitation—

24 (1) to classes 1, 2 and 3 by the President, by and

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1                   (2) to classes 4, 5, 6, 7 and 8 by the President  
2                   alone or by the Secretary when directed by the President.  
3     The Secretary may establish appropriate probationary  
4     periods for such officers. Except as otherwise determined by  
5     the President, all provisions of this or any other law appli-  
6     cable to Foreign Service Reserve officers are hereby extended  
7     to and shall be applicable to Foreign Affairs officers.

8                   “(b) Persons who are citizens of the United States may,  
9     on the basis of merit and fitness, be appointed by the Secre-  
10    tary as Reserve officers for temporary or limited service, or  
11    for such other periods of service as he may deem necessary.

12   The Secretary may, with the consent of the head of the Gov-  
13   ernment agency concerned, assign as a Reserve officer for  
14   such periods as he may deem necessary a person regularly  
15   employed in any Government agency.”

16   SEC. 10. Section 523 of such Act is amended to read  
17   as follows:

18   “SEC. 523. The class to which a Reserve officer is  
19   appointed or assigned under section 522 shall depend on his  
20   age, qualifications, and experience. A Reserve Army Corps  
21   officer appointed or assigned for worldwide service may be  
22   transferred from one post to another as the interest of the  
23   Service may require.”

24   SEC. 11. Section 527 of such Act is hereby repealed.

25   SEC. 12. (a) Section 571 (3) of such Act is amended

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1 by inserting a period immediately after "body" and striking  
2 out the remainder of such section.

3       (b) Section 571 (b) of such Act is amended—

4           (1) by inserting "or if such officer is assigned to  
5       a position the salary of which is established under the  
6       Federal Executive Salary Schedule," immediately after  
7       "international body,"; and

8           (2) by striking out the last sentence.

9       SEC. 13. Section 573 of such Act is amended to read  
10      as follows:

11       "SEC. 573. The Secretary may assign or detail, *for*  
12       *instruction, training, or orientation,* any officer or employee  
13       of the Service to or in cooperation with educational or non-  
14       profit institutions, or with trade, labor, commercial, or other  
15       organizations. Reimbursements or advances of funds may  
16       be made to applicable appropriations when received from  
17       any such institution or organization for all or any part of the  
18       salary and expenses of any officer or employee and his de-  
19       pendents during such assignment or detail. The Secretary  
20       may authorize such officer or employee to accept quarters,  
21       travel, and other expenses, *incident to such instruction,*  
22       *training, or orientation,* from the institution or organization."

23       SEC. 14. Section 633 of such Act is amended to read as  
24      follows:

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1        "SEC. 633. The Secretary may by regulation prescribe  
2        (1) the manner in which the standard of performance re-  
3        quired of officers or employees of the Service is determined,  
4        and (2) the maximum period during which officers or em-  
5        ployees are permitted to remain in each class without pro-  
6        motion. Any officer or employee who fails to meet the required  
7        standard of performance or who is not promoted within the  
8        prescribed period may, without regard to section 634, be  
9        separated and receive benefits under section 634."

10        SEC. 15. (a) Section 634(a) of such Act is amended  
11        to read as follows:

12        "(a) Any Foreign Service officer *or Foreign Affairs*  
13        *officer* in class 1, 2, or 3, or any staff officer in class 1,  
14        *class 1*, who is a participant in the Foreign Service Re-  
15        tirement and Disability System, *System and* who is separated  
16        under section 633 shall receive benefits under section § 21."

17        (b) Section 634(b) of such Act is amended—

18              (1) by inserting immediately after "Foreign Serv-  
19        ice officer" the phrase "*or Foreign Affairs officer*";

20              (2) by inserting immediately after "or 7" the  
21        following: ", or any staff officer in class 2, 3, 4, 5, or 6  
22        *or 6*, who is a participant in the *System*, *System and*";

23              (3) by striking out "from the Foreign Service  
24        Retirement and Disability Fund," in subparagraph (1);

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1           ~~(3)~~ ~~(4)~~ by striking out the second and third sen-  
2       tences of subparagraph (2) and inserting in lieu thereof  
3       the following: "If such officer dies before reaching age  
4       sixty, his death shall be considered a death in service  
5       within the meaning of section 832.".

6       (c) Section 634 (e) of such Act is amended to read as  
7       follows:

8       "(c) Any Reserve officer, or any staff officer or em-  
9       ployee who is not a participant in the System, *System and*  
10      who is separated under section 633 may be granted benefits  
11      under section 634 (b) (1).".

12      SEC. 16. Section 635 of such Act is amended by striking  
13      out "class 7 who is appointed" and inserting in lieu thereof  
14      "class 6 or 7 who is appointed to such class".

15      SEC. 17. Immediately after section 663 of such Act add  
16      the following new section:

17      "SEC. 664. The Secretary may, under such terms and  
18      conditions as he deems appropriate, compensate any alien  
19      employee who is or has been imprisoned by a foreign govern-  
20      ment as a result of his employment by the United States, and  
21      may utilize for such purpose any authority of the Missing  
22      Persons Act, as amended (50 App. U.S.C. 1001 et seq.).  
23      Any such imprisonment may be considered for purposes of  
24      all other employee benefits to be a period of employment by  
25      the United States.

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1 SEC. 18. Section 803(a)(2) of such Act is amended  
2 to read as follows:

3 "(1) All Foreign Service officers, or former Foreign  
4 Service officers appointed as Reserve officers or as staff  
5 officers or employees without a break in service in excess of  
6 three calendar days;".

7 SEC. 18. Section 803 of such Act is amended by adding  
8 at the end thereof the following new paragraph:

9 "(d) Any participant who is appointed as a Foreign  
10 Affairs officer or as a staff officer or employee without a break  
11 in service in excess of three calendar days shall remain a  
12 participant."

13 SEC. 19. Section 911 of such Act is amended by striking  
14 out the period at the end of paragraph (10) and inserting  
15 in lieu thereof a semicolon and by adding at the end thereof  
16 the following new paragraph:

17 "(11) travel and related expenses, without regard  
18 to the provisions of this or any other law, whenever  
19 he determines that *extraordinary conditions, or circum-*  
20 *stances involving personal hardship, warrant the pay-*  
21 *ment of such expenses are incident to appointment,*  
22 *service, or separation of officers or employees in the*  
23 *Service, including any such expenses of the members*  
24 *of their families.".*

1 SEC. 20. Section 921 of such Act is amended by adding  
2 at the end thereof the following new paragraph:

3        "(d) Notwithstanding the provisions of any other law,  
4 assets derived after January 1, 1950, from any non-Govern-  
5 ment-operated commissary, mess service, or recreational  
6 facility abroad, through termination or otherwise, may be  
7 established as a working fund. Such fund may be used by  
8 the Secretary, without fiscal year limitation, for the purposes  
9 of this section."

10      SEC. 21. Immediately after section 943 of such Act  
11 add the following new sections:

12      "SEC. 944. The Secretary is authorized to continue  
13 medical services under part III of this title beyond the date  
14 of death or separation of an officer or employee.

15      "SEC. 945. Without regard to the provisions of any  
16 other law, the Secretary may provide for cooperation in, or  
17 interchange of, medical and related services and property  
18 abroad between the United States Government and foreign  
19 governments or international organizations under such terms  
20 and conditions as he deems appropriate. Any funds re-  
21 ceived under such arrangements may be used for direct  
22 expenditure or for reimbursement of applicable appro-  
23 priations."

24      SEC. 22. The President is authorized, without regard

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1 to the provisions of this or any other law, to provide for  
2 the transfer, within three years after the date of enactment  
3 of this section, of all personnel (except officers compensated  
4 in accordance with the Federal Executive Salary Schedule)  
5 in or under the Department, the Agency for International  
6 Development, and the United States Information Agency,  
7 and such personnel as he may designate of other Govern-  
8 ment agencies who are engaged in foreign affairs functions,  
9 to an appropriate class in the Foreign Service Reserve or  
10 Foreign Service staff; *appropriate classes under the Foreign*  
11 *Service Act of 1946, as amended, as Foreign Affairs officers,*  
12 *Reserve officers, or staff officers or employees.* Each officer  
13 or employee so transferred shall receive basic compensation  
14 at the rate of his class determined to be appropriate by the  
15 Secretary, except that the rate of basic compensation received  
16 by any officer or employee immediately prior to the effective  
17 date of transfer shall not be reduced by the provisions of this  
18 section.

19 SEC. 23. It is the policy of the Congress that any Chief  
20 of Mission, whenever he deems it appropriate, shall prepare  
21 and submit reports relating to the service of any officer or  
22 employee of the United States serving in the countries to  
23 which the Chief of Mission is accredited.

24 SEC. 24. Existing regulations applicable to the Service

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1)

1 modified or superseded by regulations made in accordance  
2 with the provisions of this Act, unless clearly inconsistent  
3 therewith.

4 SEC. 25. (a) The provisions of the Civil Service Act of  
5 January 16, 1883, as amended, section 6 of the Act of  
6 August 24, 1912, as amended (5 U.S.C. 652), the Veterans'  
7 Preference Act of 1944, as amended, and the Classification  
8 Act of 1949, as amended, shall not apply to officers and  
9 employees of the Foreign Service of the United States.

10 (b) Section 1007 of the United States Information and  
11 Educational Exchange Act of 1948 is repealed.

12 SEC. 26. Section 205 of the Annual and Sick Leave Act  
13 of 1951, as amended (5 U.S.C. 2064), is amended by add-  
14 ing at the end thereof the following new subsection:

15 "(f) No leave shall be charged to the account of any  
16 officer or employee for absence, not to exceed six months,  
17 due to an injury or illness incurred while serving abroad  
18 and resulting from hostile activity or clearly caused by the  
19 fact that the officer or employee was located abroad."

20 SEC. 27. Section 231 of the Overseas Differentials and  
21 Allowances Act (5 U.S.C. 3038) is amended by inserting  
22 immediately before the period at the end thereof the fol-  
23 lowing: " except that in a foreign area where there is  
24 unusual danger of injury due to hostile activity such addi-  
25 tional compensation shall not exceed 50 per centum".

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[SUBJECT LINE PRINT]

March 3, 1965

89th CONGRESS 1st Session H. R. 6236

A BILL

To amend the Foreign Service Act of 1946, as amended, and for other purposes.

By Mr. MAYS

March 15, 1965

Referred to the Committee on Foreign Affairs

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U.S. HOUSE OF REPRESENTATIVES

110th Congress

89th CONGRESS — 1st Session  
H. R. 1000 — *Foreign Service Act*

A BILL

To amend the Foreign Service Act of 1946, as amended, and for other purposes.

By Mr. HAYS

MARCH 15, 1965

Referred to the Committee on Foreign Affairs

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